IN RE: PETITION FOR SPECIAL EXCEPTION

SWC intersec. Eastern Avenue

and Woodland Avenue
3301-A Eastern Avenue
15th Election District
5th Councilmanic District
Legal Owner: Steven R. Shores
Contract Purchaser/Lessee:

Contract Purchaser/Lessee: Twilight Zone Arcade, Inc.

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 96-224-X

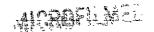
.. * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 3301-A Eastern Avenue in Essex section of Baltimore County. The Petition is filed by Twilight Zone Arcade, Inc., through its President, Michael Lee Jones, Lessee and Stephen R. Shores, property owner. Special exception relief is requested for approval of an arcade. The subject site is zoned B.L.-C.N.S. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Special Exception received into evidence as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Michael L. Jones, Petitioner. Also present was Thomas E. Phelps, the Registered Property Line Surveyor who prepared the site plan. The Petitioner was represented by Timothy P. Knepp, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is a rectangularly shaped property which faces Eastern Avenue in Essex. The site is approximately 137 ft. wide and 126 ft. deep. The property is a corner lot, located on the southwest corner of Eastern Avenue and Woodland Avenue. The property is improved with an existing structure which contains several small businesses. These include a sub-shop, a VCR/electronics repair shop, a tailor and shoe repair shop and the subject leasable space known as 3301-A Eastern Avenue. The space at issue is approximately 24 ft. wide x



25 ft. in width. The balance of the site is improved with a macadam and gravel parking area.

Presently, Mr. Jones leases the subject space and operates a thrift store therefrom. He proposes converting that use into an arcade. The proposed arcade will contain up to 24 video machines. There will not be pool tables. It is envisioned that the entertainment will be geared towards children and teenagers. The business will be operated by Mr. Jones and his wife. There will be no other employees. The business will be open from approximately 10:00 A.M. to 10:00 P.M., 7 days per week.

The Petitioner also testified and described the area. Eastern Avenue is a commercial corridor on its southwest side in this vicinity. In addition to the above described businesses on this property, there are restaurants, stores and similar uses nearby. The Bengies Outdoor Movie Theatre is located near the site. The closest residential use is across Eastern Avenue. The Williams Mobile Home Park is located across from the site on Eastern Avenue.

Special Exceptions are regulated by Section 502.1 of the BCZR. In other jurisdictions, special exception uses are known as conditional uses. In Baltimore County, special exceptions are permissible if the Petitioner adduces testimony and evidence to satisfy the standards set forth in Section 502.1 of the BCZR.

The seminal case governing special exceptions is <u>Schultz v. Pritts</u>, 291, Md. 1 (1981). As set forth in that case, the Zoning Commissioner must consider whether the impacts of the special exception at the particular location proposed will be greater than as ordinarily associated with the use. Moreover, a special exception use is considered part of the comprehensive zoning plan, thereby carrying the presumption that it is within the

interests of the general welfare and therefore valid. <u>Peoples Counsel v.</u>

<u>Mangione</u>, 85 Md. App 738 (1991).

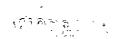
Clearly, there are some impacts associated with an arcade use which are inherently objectionable. Arcades can be expected to draw a number of young people. Increased parking congestion, threat of vandalism and crime are frequently expressed fears relating to arcade uses.

Although these fears may or may not be justified, there was no testimony or evidence presented that such impacts would be worse at the subject property than elsewhere in the zone. In fact, as noted above, no one in opposition appeared to protest the proposed use. Thus, under the guidelines set forth in Schultz, and the cases that follow, I am persuaded that the Petition should be granted. I find that the Petitioner has satisfied the standards set forth in Section 502.1 of the BCZR. Specifically, there will be no detriment to the health, safety and welfare of the locale by the operation of the arcade shop on the subject site. Nonetheless, I will impose some reasonable restrictions on the proposed use. The hours of operation shall be limited from 10:00 A.M. to 10:00 P.M., 7 days per week. Moreover, alcoholic beverages shall not be sold or consumed within the arcade.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of January 1996 that, pursuant to the Petition for Special Exception, approval for an arcade to be located in a B.L.-C.N.S. zone, be and is hereby GRANTED, subject, however, to the following restrictions:

^{1.} The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason,



this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The hours of operation shall be limited from 10:00 A.M. to 10:00 P.M., 7 days per week, and no alcoholic beverages shall be sold or consumed within the arcade.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

LES:mmn

ORIDER RECEIVED FOR FILING
Date
By

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 5, 1996

Timothy P. Knepp, Esquire P.O. Box 34011 Baltimore, Maryland 21221

RE: Petition for Special Exception

Case No. 96-224-X

Lessee: Twilight Zone Arcade, Inc., Michael L. Jones, Pres.

Legal Owner: Steven R. Shores

Dear Mr. Knepp:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

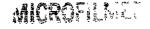
Very truly yours,

Lawrence E. Schmidt Zoning Commissioner

LES:mmn

att.

cc: Mr. Michael Lee Jones, 35 Longeron Drive, Balto. Md. 21220





CRITICAL



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at

3301 A Eastern Avenue, Baltimore, MD 21221

biah		
MATHER	is presently zoned	DI CNC
		BLCNS
		DC0110

This Petition shall be filed with the Office of Zoning Administration & Development Management.

Property is to be posted and advertised as prescribed by Zoning Regulations.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for an Arcade. There will be approximately twenty-four (24) arcade machines.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and

are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County i/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition Contract Purchaser/Lesser/ Legal Owner(s) Twilight Zone Arcade, Inc. Steven R. Shores Michael Lee Jones. President 35 Longeron Drive (Type or Print Name) 21220 MD Baltimore Zipcode Signature 3317 Eastern Blvd. 324-7328 pager Attorney for Petitioner Phone No. Timothy P. Knepp Baltimore MD 21220 (Type or Print Name) State Name P.O. Box 34011 686-5151 Address Address Phone No MD 21221 Baltimore OFFICE USE ONLY City State Zipcode ESTIMATED LENGTH OF HEARING unavailable for Hearing the following dates **Next Two Months**

THOMAS E. PHELPS & ASSOCIATES, INC. 96-224-X

945 Barron Avenue Baltimore, Maryland 21221-5202 (301) 574-6744

LAND PLANNING

LAND SURVEYING

Description of a 0.398 Acre parcel of land 3301 Eastern Avenue Baltimore, Maryland

Beginning for a point being at the southwesterly corner formed by the intersection of Eastern Avenue, a 50' Right of Way, with Woodland Avenue, also a 50' Right of Way, and running thence with the southerly right of way of Eastern Avenue as follows, viz;

- 1) North 84° · 19' 39" East, 136.80 feet to a point, thence departing said right of way and running the two(2) following courses and distances, viz;
 - 2) South 06° 50' 00" East, 126.14 feet, and
- 3) South 84° 27' 00" West 138.60 feet, to intersect the easterly right of way of the aforesaid Woodland Avenue, thencethece with the aforesaid right of way, viz;
 - 4) North 06° 01'00" West 125.82 feet to the point and place of beginning.

Containing 0.398 Acres of land, more or less.

Being part of the Steven B. Shores property as described in a deed recorded among the land records of Baltimore County, Maryland, and recorded in Liber 6332 at Folio 625.



227

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY 96-274-1	NORE COUNTY 96-124-1
Diatrict 15 M	25/21/21
Posted for: Special Fileston	bete of rosping
Peditioner: Sterry Shores	
location of property: 3301 Eastern Fry	
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of feely	12/22/45
umber of Signa:	

(E)

MICROFILMED

NOTICE OF HEARING

The Zoning Cheministioner of Baltimore County, by authority of the Zoning Act and Regulation of Baltimore County will hold a public hearing on the property Identified, herein in Room 106 of the County Office Building, 111 W. Chesspeake, Avenue in Towson, Maryland 21204 or Room, 1118. Old Courthouse, 400 Washington Avenue, 100 Courthouse, 400 Washington Avenue, 100 Courthouse, 400 Washington Avenue, 100 Courthouse, 100 Courthou

Case: #99-224-X (16m7-227) 3301-A Fasilern Avenue 3301-A Fasilern Avenue Turn Griff Election Esstern Ave-16th Election District Est Countalinganio Legal Owner(5): Steven R. Shores Contract Purchasent Assee: Twilight Zone Arpade, Inc.

Special Exception for an ar-cade,

Hearing: Tuesday, January 2, 1996 at 9,00 a.m. in Rm. 118, Old Courthouse.

LAWKENCE E. SCHMIUT
Zoning Commissioner for
Ballimore County
NOTES: (1) Hearings are
Handscapped, Accessible; for
special accommodations
Please call 887-3353.
(For Information concerning the File and/or Hearing)

12/090 Dec. 14, C22579

CERTIFICATE OF PUBLICATION

TOWSON, MD., _

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of //__ successive THIS IS TO CERTIFY, that the annexed advertisement was weeks, the first publication appearing on 13/14, 19 95.

THE JEFFERSONIAN, LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

ACCOUNT

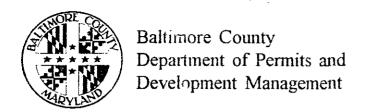
AMOUNT \$

RECEIVED
FROM:

DATE

JAPI #0151MI CHRC
BA COUZ: 31PM11-29-95

VALIDATION OR SIGNATURE OF CASHIER
WHITE-CASSER PINK-AGENCY YELLOW-CUSTOMEN



ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 127 Petitioner: MICHAEL LEE VONES
Location: 3301 EASTERN AVE
PLEASE FORWARD ADVERTISING BILL TO:
NAME: TIMOTHY KNEPD
ADDRESS: 106 N. MARLYN AVE
BAGT. MD. 21221
PHONE NUMBER: (410) 686-5151



TO: PUTUXENT PUBLISHING COMPANY

December 14, 1995 Issue - Jeffersonian

Please feward billing to:

Tmothy Knepp 196 N. Marylyn Avenue Baltimore, MD 21221 686-5151

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-224-X (Item 227)

3301-A Eastern Avenue

SWC intersection Eastern venue and Woodland Avenue

15th Election District - 5th Councilmanic

Legal Owner: Steven R. Shores

Contract Purchaser/Lessee: Twilight Zone Arcade, Inc.

Special Exception for an arcade.

LAWRENCE E. SCHWIDT
ZONTING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



TO: PUTUXENT PUBLISHING COMPANY
December 14, 1995 Issue - Jeffersonian

Please foward billing to:

Tmothy Knepp 106 N. Marylyn Avenue Baltimore, MD 21221 686-5151

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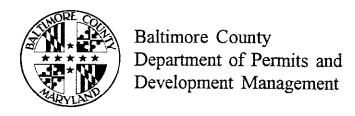
Special Exception for an arcade.

HEARING: TUESDAY, JANUARY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



December 8, 1995

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Special Exception for an arcade.

Director

cc:

Arnold Jable

Steven R. Shores

Twilight Zone Arcade, Inc.

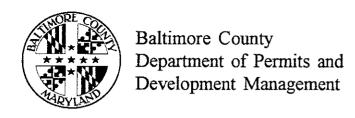
Timothy P. Knepp

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Million - Line



December 8, 1995

NOTICE OF HEARING

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or

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Arnold Jablon

Director

cc: Steven R. Shores

Twilight Zone Arcade, Inc.

Timothy P. Knepp

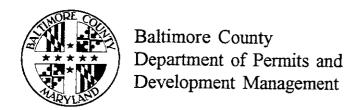
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(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERTING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.







December 28, 1995

Timothy P. Knepp, Esquire P. O. Box 34011 Baltimore, MD 21221

> RE: Item No.: 227 Case No.: 96-224-X

> > Petitioner: S. R. Shores

Dear Mr. Knepp:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

WCR/jw
Attachment(s)

CAMIL-BAUDO

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

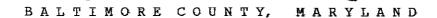
TO: Arnold Jablon, Director DATE: Dec. 21, 1995 Zoning Administration and Development Management

Bobert W. Bowling, P.E., Chief Development Plans Review Division

RE: Zoning Advisory Committee Meeting for December 18, 1995 Item 227

The Development Plans Review Division has reviewed the subject zoning item. We recommend that the Hearing Officer require some streetscape planting along Eastern Avenue and Woodland Avenue.

RWB:sw



INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon,	Director, PDM	DATE:	December 20	, 1995
FROM: Arnold F. 'Pa	at' Keller, III, Director, PO			
SUBJECT: 3301 East	ern Avenue			
<u>INFORMATION</u> :				
Item Number:	227			
Petitioner:	Steven R. Shore			
Property Size:				
Zoning:	BL-AS			_
Requested Action:	Special Exception			
Hearing Date:				

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff does not support the location of an arcade at this location. However, staff would not oppose the applicant's request if the Petitioner meets with officers of the Essex Precinct and a determination is made that the use will not result in a greater demand for County services.

Should the applicant's request be granted, staff recommends the following conditions be attached to the Order:

- A landscape plan should be submitted for review and approval by the Baltimore County Landscape Planner.
- The plan accompanying the request should be amended to show the parking layout.

Prepared by:

Division Chief:

PK/JL

Show 96-224- +

Baltimore County Government Fire Department





700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 12/07/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: STEVEN R. SHORES

LOCATION: SWC INTERSECTION EASTERN AVE. AND WOODLAND AVE.

(3301-A EASTERN AVE.)

Item No.: 227

Zoning Agenda: SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

- 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM - Joyce Watson

FROM:

Development Coordination

SUBJECT:

Zoning Advisory Committee
Agenda: 11/27/95 and 12/11/95

12/4/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Litems:

Item #'s:

205

209

213

218

219

LS:sp

LETTY2/DEPRM/TXTSBP

.= €



David L. Winstead Secretary Hal Kassoff Administrator

12-7-95

Baltimore County Item No. 277 (TCM)

Ms. Jovce Watson Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Dear Ms. Watson:

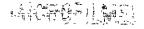
This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/68 /50 15 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief Engineering Access Permits

BS



My telephone number is _

PETITION PROBLEMS

#221 — RT

Notary section is incomplete.

#222 --- JRA

- 1. Item number not on all papers in folder.
- 2. Petition form says zoning is "BM"; folder says "BM/MLR" Which is correct?
- 3. Need printed name of person signing for legal owner and authorization.

#225 --- JRF

- 1. No hardship or practical difficulty on front of petition form.
- 2. Folder not marked "critical area".
- 3. Notary section is incorrect only one signature on back of petition form.

#227 --- JCM

Folder not marked "critical area".

#228 — JRA

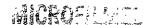
- Item number not on all papers in folder.
- 2. Need authorization for person signing for legal owner.
- 3. Receipt not given to petitioner/attorney still in folder.

#229 --- JJS

Notary section is incomplete.

#230 --- JJS

- 1. No telephone number for legal owner.
- No location description, zoning, acreage, election or councilmanic districts on folder.



PE: PETITION FOR SPECIAL EXCEPTION 3301-A Eastern Avenue, SWC intersection Eastern Avenue and Woodland Avenue 15th Election Dist., 5th Councilmanic

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Legal Owner: Steven R. Shores

Contract Purchaser/Lessee: Twilight Zone Arcade, Inc.

Petitioners *

CASE NO. 96-224-X

* * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse

400 Washington Avenue Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Timothy P. Knepp, Esquire, P. O. Box 34011, Baltimore, MD 21221, attorney for Petitioners.

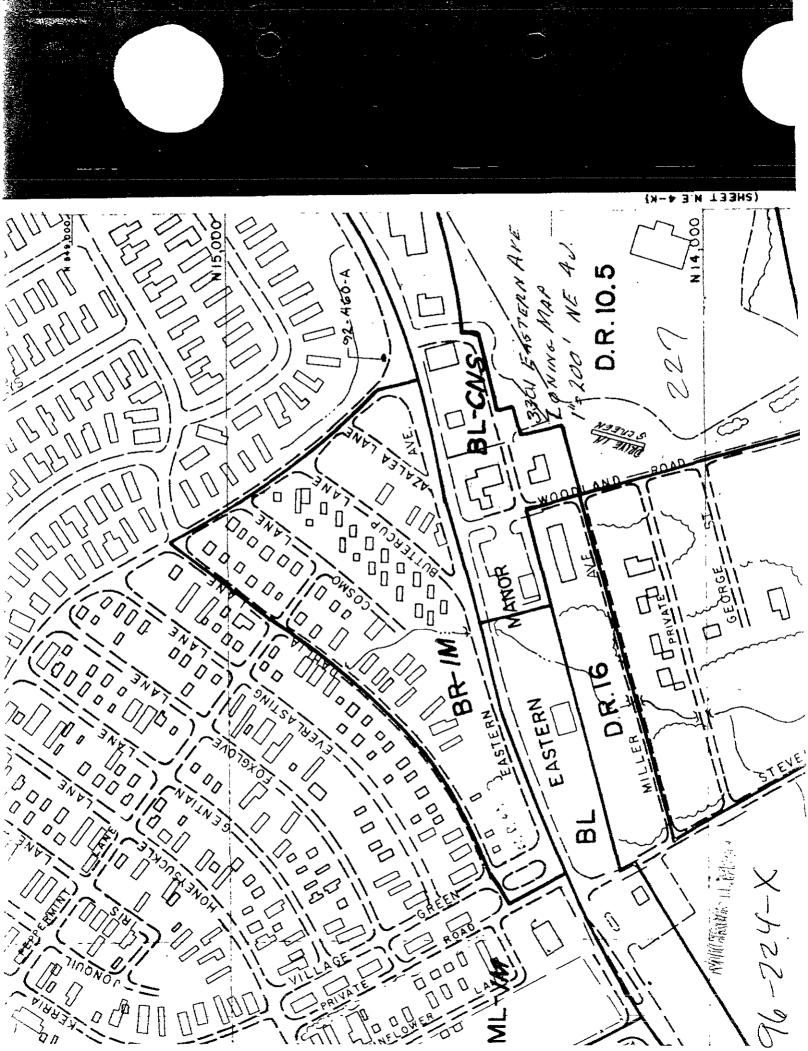
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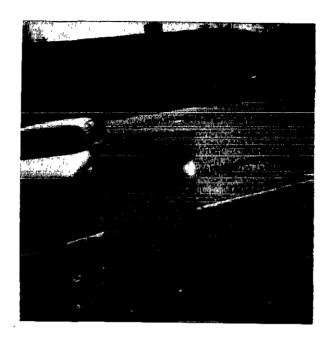
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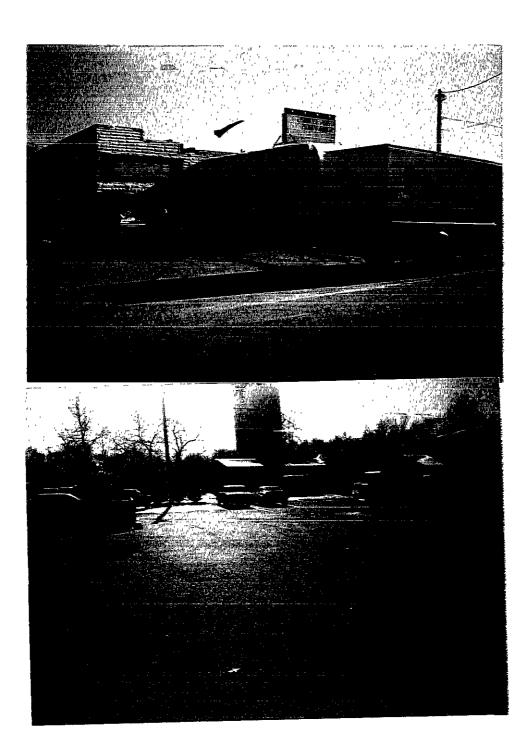
PETITIONER(S) SIGN-IN SHEET

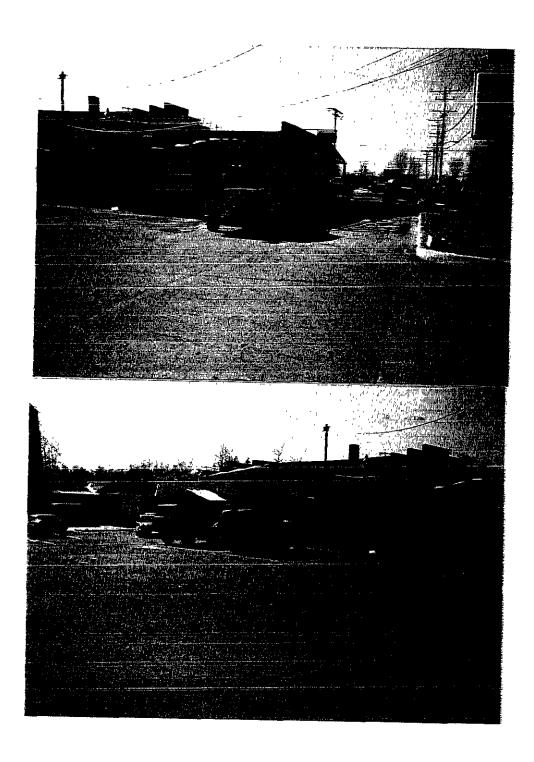
NAME	ADDRESS
Michael Lee Jones	35 Longeron De Bult md21220
TOM PHELPS	945 BARRONAUF BALT-
Tim Knepp	106 N. Mady ha Au 21221
·	

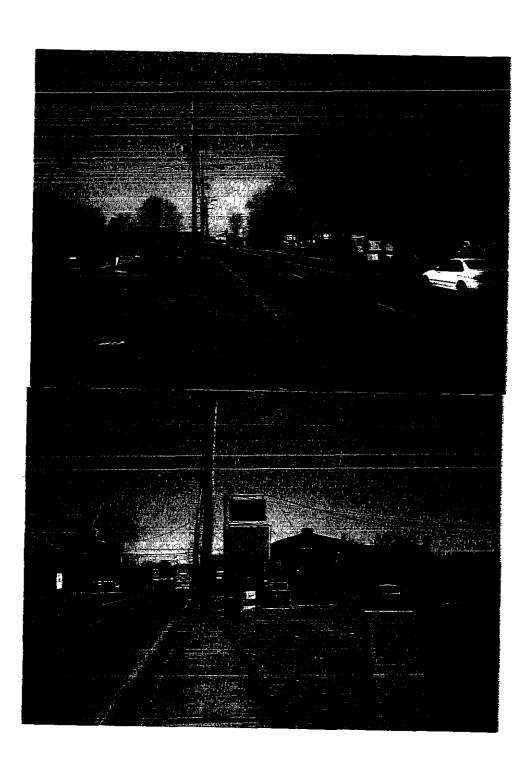


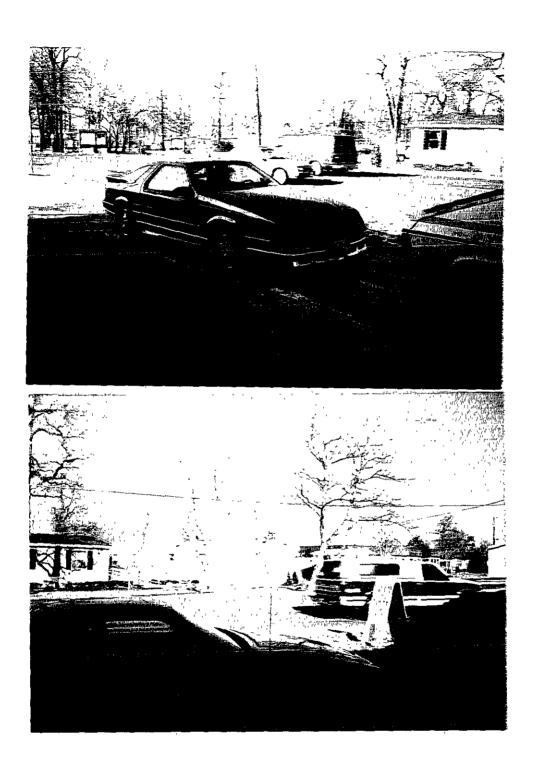














IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE SWC intersec. Eastern Avenue * ZONING COMMISSIONER and Woodland Avenue 3301-A Eastern Avenue * OF BALTIMORE COUNTY 15th Election District 5th Councilmanic District Legal Owner: Steven R. Shores * Case No. 96-224-X Contract Purchaser/Lessee: Twilight Zone Arcade, Inc. * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Exception for the property located at 3301-A Eastern Avenue in Essex section of Baltimore Ccunty. The Petition is filed by Twilight Zone Arcade, Inc., through its President, Michael Lee Jones, Lessee and Stephen R. Shores, property owner. Special exception relief is requested for approval of an arcade. The subject site is zoned B.L.-C.N.S. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Special Exception received into evidence as Petitioner's Exhibit No. 1.

Appearing at the requisite public hearing held for this case was Michael L. Jones, Petitioner. Also present was Thomas E. Phelps, the Registered Property Line Surveyor who prepared the site plan. The Petitioner was represented by Timothy P. Knepp, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject site is a rectangularly shaped property which faces Eastern Avenue in Essex. The site is approximately 137 ft. wide and 126 ft. deep. The property is a corner lot, located on the southwest corner of Eastern Avenue and Woodland Avenue. The property is improved with an existing structure which contains several small businesses. These include a sub-shop, a VCR/electronics repair shop, a tailor and shoe repair shop and the subject leasable space known as 3301-A Eastern Avenue. The space at issue is approximately 24 ft. wide x

25 ft. in width. The balance of the site is improved with a macadam and gravel parking area.

Presently, Mr. Jones leases the subject space and operates a thrift store therefrom. He proposes converting that use into an arcade. The proposed arcade will contain up to 24 video machines. There will not be pool tables. It is envisioned that the entertainment will be geared towards children and teenagers. The business will be operated by Mr. Jones and his wife. There will be no other employees. The business will be open from approximately 10:00 A.M. to 10:00 P.M., 7 days per week.

The Petitioner also testified and described the area. Eastern Avenue is a commercial corridor on its southwest side in this vicinity. In addition to the above described businesses on this property, there are restaurants, stores and similar uses nearby. The Bengies Outdoor Movie Theatre is located near the site. The closest residential use is across Eastern The Williams Mobile Home Park is located across from the site on

Special Exceptions are regulated by Section 502.1 of the BCZR. In other jurisdictions, special exception uses are known as conditional uses. In Baltimore County, special exceptions are permissible if the Petitioner adduces testimony and evidence to satisfy the standards set forth in Sec-

The seminal case governing special exceptions is Schultz v. Pritts, 291, Md. 1 (1981). As set forth in that case, the Zoning Commissioner must consider whether the impacts of the special exception at the particular location proposed will be greater than as ordinarily associated with the use. Moreover, a special exception use is considered part of the comprehensive zoning plan, thereby carrying the presumption that it is within the

interests of the general welfare and therefore valid. Peoples Counsel v. Mangione, 85 Md. App 738 (1991).

Clearly, there are some impacts associated with an arcade use which are inherently objectionable. Arcades can be expected to draw a number of young people. Increased parking congestion, threat of vandalism and crime are frequently expressed fears relating to arcade uses.

Although these fears may or may not be justified, there was no testimony or evidence presented that such impacts would be worse at the subject property than elsewhere in the zone. In fact, as noted above, no one in opposition appeared to protest the proposed use. Thus, under the quidelines set forth in Schultz, and the cases that follow, I am persuaded that the Petition should be granted. I find that the Petitioner has satisfied the standards set forth in Section 502.1 of the BCZR. Specifically, there will be no detriment to the health, safety and welfare of the locale by the operation of the arcade shop on the subject site. Nonetheless, I will impose some reasonable restrictions on the proposed use. The hours of operation shall be limited from 10:00 A.M. to 10:00 P.M., 7 days per week. Moreover, alcoholic beverages shall not be sold or consumed within the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 10° day of January 1996 that, pursuant to the Petition for Special Exception, approval for an arcade to be located in a B.L.-C.N.S. zone, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason,

THOMAS E. PHELPS & ASSOCIATES, INC. 96-224-X

945 Barron Avenue

Baltimore, Maryland 21221-5202

(301) 574-6744

Description of a 0.398 Acre parcel of land

> 3301 Eastern Avenue Baltimore, Maryland

Beginning for a point being at the southwesterly corner formed by the intersection of

1) North 84° . 19' 39" East, 136.80 feet to a point, thence departing said right of way

3) South 84° 27' 00" West 138.60 feet, to intersect the easterly right of way of the

aforesaid Woodland Avenue, thencethece with the aforesaid right of way, viz;

4) North 06° 01'00" West 125.82 feet to the point and place of beginning.

Eastern Avenue, a 50' Right of Way, with Woodland Avenue, also a 50' Right of Way,

and running thence with the southerly right of way of Eastern Avenue as follows, viz:

and running the two(2) following courses and distances, viz;

2) South 06° 50' 00" East, 126.14 feet, and

Containing 0.398 Acres of land, more or less.

LAND PLANNING

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

January 5, 1996

Timothy P. Knepp, Esquire P.O. Box 34011 Baltimore, Maryland 21221

> PE: Petition for Special Exception Case No. 96-224-X Lessee: Twilight Zone Arcade, Inc., Michael L. Jones, Pres. Legal Owner: Steven R. Shores

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Exception has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353

cc: Mr. Michael Lee Jones, 35 Longeron Drive, Balto. Md. 21220

CRITICAL **Petition for Special Exception**

to the Zoning Commissioner of Baltimore County

for the property located at 3301 A Eastern Avenue, Baltimore, MD 21221 which is presently zoned BLCNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for an Arcade. There will be approximately twenty-four (24) arcade

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

				VWe do solemnly declare and affin legal owner(s) of the property which		
ct Purchaser/Lessee:	•			Legal Owner(s):		
rilight Zon	<u>ie Arcade,</u>	Inc.		Steven R. Shores	5	——————————————————————————————————————
we Michael	Lee Good	es, Presid	dent	Signature	<u>CC.,</u>	lln
Longeron						·····
ltimore	MD	;	21220	(Type or Print Name)		
 	State		Zpcode	Signature		
y for Petitioner:				3317 Eastern Blvc	<u>i.</u>	324-7328 pager
mothy P. K	Сперр			Baltimore	MD	21220
or Print Name)		1		City Name, Address and phone number of	Sta of representative	
P.K	NV	/		T Kay	Epp, E	- -30 .
0. Box 340	11	686-51	51	S/	4ME	
ltimore	MD	Phone No. 21	221	Address	FFICE USE ONL	Phose No.
	State		7:	<u>.</u>	THE USE UIL	<u> </u>

Being part of the Steven B. Shores property as described in a deed recorded among the land records of Baltimore County, Maryland, and recorded in Liber 6332 at Folio 625.

LAND SURVEYING

CERTIFICATE OF POSTIMO ZONING DEPARTMENT OF BALTIMORE COUNTY 96-124-1

this Order is reversed, the Petitioner would be required to return, and be responsible for

2. The hours of operation shall be limited from

10:00 A.M. to 10:00 P.M., 7 days per week, and no alcoholic beverages shall be sold or consumed

Zoning Commissioner for

Baltimore County

returning, said property to its original

condition.

LES:mmn

within the arcade.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on $\frac{1214}{195}$, 19 95.

हा प्रदेश महास्थित वर्षा प्राप्त सम्बद्धाः विशेषात्र प्राप्त हिन्दा स्थापित ।	227	•
BALTIMORE COUNTY, MAR OFFICE OF FINANCE - REVENUE MISCELLANEOUS CASH REC	EDIVISION 96-224	011152 -X
DATE 11/21/95	_ACCOUNT_FOT 1-	6150
	. 35	5.
	Ac. Acc	
FROM: (150)		300.5
FOR:	03A91#0151MI CHRC BA CO02:31PM11-29-95	\$335.00
DISTRIBUTION VALIDA VELLOW-CUST	TION OR SIGNATURE OF CASHIER	

Baltimore County

CASE NUMBER: 96-224-X (Item 227)

Legal Owner: Steven R. Shores

Timothy P. Knepp

SWC intersection Eastern verme and Woodland Avenue

Contract Purchaser/Lessee: Trilight Zone Arcade, Inc.

15th Election District - 5th Councilmanic

3301-A Eastern Avenue

December 8, 1995

Department of Permits and

Development Management

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County, will hold a public hearing on the property identified herein in

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

NOTES: (1) ZONING SIGH & POST MUST BE RETURNED TO RM. 104, 111 H. CHESAPRAKE AVENUE OF THE HEARING PATE.

(2) HEARTINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCORDING PLEASE CALL 887-3353.

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

		ARNOLD JABLON, DIRECTOR	
For newspaper adver			
Item No.: <u>127</u>	Petitioner: <u>MicHA</u>	EL LEE VONES	 -
Location: 330	EASTERN A.	VE	
PLEASE FORWARD ADVI	RTISING BILL TO:		
NAME: TIMOTHY	KNEPD		
ADDRESS: 106 N	MARLYN AVA	<u> </u>	
BAGT. MD.	21221		
PHONE NUMBER: (410)	686-5151		

* . ·

Development Processing

County Office Building

Towson, Maryland 21204

111 West Chesapeake Avenue

Baltimore County
Department of Permits and
Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

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Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-224-X (Item 227) 3301-A Eastern Avenue SWC intersection Eastern venue and Woodland Avenue 15th Election District - 5th Councilmanic Legal Owner: Steven R. Shores Contract Purchaser/Lessee: Twilight Zone Arcade, Inc.

HEARTING: TUESDAY, JANUARY 2, 1996 at 9:00 a.m. in Room 118, Old Courthouse.

cc: Steven R. Shcres Twilight Zone Arcade, Inc. Timothy P. Knepp

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

December 14, 1995 Issue - Jeffersonian

Please foward billing to: Twothy Knepp

TO: PUTUXENT PUBLISHING COMPANY

106 N. Marylyn Avenue Baltimore, MD 21221 686-5151

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

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CASE NUMBER: 96-224-X (Item 227) 3301-A Eastern Avenue SWC intersection Eastern venue and Woodland Avenue 15th Election District - 5th Councilmanic Legal Owner: Steven R. Shores Contract Purchaser/Lessee: Twilight Zone Arcade, Inc.

Special Exception for an arcade.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALFIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEAPING, PLEASE CALL 887-3391.

TO: PUTUXENT PUBLISHING COMPANY December 14, 1995 Issue - Jeffersonian

Please foward billing to:

106 N. Marylyn Avenue Baltimore, MD 21221

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LAWRENCE E. SCHILDT ZONTING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County
Department of Permits and
Development Management Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

December 28, 1995

mimothy P. Knepp, Esquire P. O. Box 34011 Baltimore, MD 21221

> RE: Item No.: 227 Case No.: 96-224-X Patitioner: S. R. Shores

Dear Mr. Knepp:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 29, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr. Zoning Supervisor

BALTIMORE COUNTY. MARYLAND 1 NTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 21, 1995 Zoning Administration and Development Management

FROM: Bobert W. Bowling, P.E., Chief Development Plans Review Division

Zoning Advisory Committee Meeting for December 18, 1995 Item 227

The Development Plans Review Division has reviewed the subject zoning item. We recommend that the Hearing Officer require some streetscape planting along Eastern Avenue and Woodland Avenue.

(3) FOR INFORMATION CONCERING THE FILE AND/OR SPARING, CONTACT THIS OFFICE AT 887-3391.

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM		DATE:	December 20	, 1995
FROM: Arnold F. 'Pat' Keller, III, D	irector, PO			
SUBJECT: 3301 Eastern Avenue				
<u>INFORMATION</u> :				
Item Number: (227/				
Petitioner: Steven R. Shore				_
Property Size:		<u>. </u>		_
Zoning: BL-AS				
Requested Action: Special Exception	<u> </u>	<u> </u>		
Hearing Date:/_/			_	
SUMMARY OF RECOMMENDATIONS:				

Based upon a review of the information provided, staff does not support the location of an arcade at this location. However, staff would not oppose the applicant's request if the Petitioner meets with officers of the Essex Precinct and a determination is made that the use will not result in a greater demand for

Should the applicant's request be granted, staff recommends the following conditions be attached to the Order:

- A landscape plan should be submitted for review and approval by the Baltimore County Landscape Planner.

- The plan accompanying the request should be amended to show the parking layout.

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 12/07/95

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: STEVEN R. SHORES

LOCATION: SWC INTERSECTION EASTERN AVE. AND WOODLAND AVE. (3301-A EASTERN AVE.)

Item No.: 227

Zoning Agenda:SPECIAL EXCEPTION

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.



REVIEWER: LT. ROBERT P. SAUERWALD Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

LETTY2/DEPRM/TXTS8P

LS:sp



David L. Winstead Secretary Hal Kassoff Administrator

12-7-95

RE: Baltimore County Item No. 277 (TCM) Baltimore County Office of Permits and Development Management County Office Building, Room 109

Dear Ms. Watson:

Ms. Joyce Watson

Towson, Maryland 21204

This office has reviewed the referenced item and we have no objection to approval, as a field inspection reveals the existing entrance(s) onto MD/48 /50 15 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA projects.

Please contact Bob Small at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Engineering Access Permits

My telephone number is _____ Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PETITION PROBLEMS

#221 — RT

Notary section is incomplete.

#222 - JRA

Item number not on all papers in folder.

Petition form says zoning is "BM"; folder says "BM/MLR" -- Which is correct?

Need printed name of person signing for legal owner and authorization.

#225 -- JRF

No hardship or practical difficulty on front of petition form. Folder not marked "critical area". Notary section is incorrect - only one signature on back of petition form.

#227 -- JCM

1. Folder not marked "critical area".

#228 - JRA

Item number not on all papers in folder.

Need authorization for person signing for legal owner.

Receipt not given to petitioner/attorney - still in folder.

1. Notary section is incomplete.

#230 --- JJS

No telephone number for legal owner.
 No location description, zoning, acreage, election or councilmanic districts

RE: PETITION FOR SPECIAL EXCEPTION 3301-A Eastern Avenue, SWC intersection Eastern Avenue and Woodland Avenue 15th Election Dist., 5th Councilmanic

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Legal Owner: Steven R. Shores Contract Purchaser/Lessee: Twilight Zone Arcade, Inc.

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29 day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to Timothy P. Knepp, Esquire, P. O. Box 34011, Baltimore, MD 21221, attorney for Petitioners.

Heter Max Zimmenin

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in militure in Ingly
Siem 1-6-96
R1-424 3- 7-76

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Development Coordination

SUBJECT: Zoning Advisory Committee Agenda: <u>///27/95</u> and

INTER-OFFICE CORRESPONDENCE

The Department of Environmental Protection & Resource Management has no

220 thu 231

comments for the following Zoning Advisory Committee Litems:

11/27/95

12/11/95

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY Michael Lee Jones 35 Longeron De Bult malzine 945 BARRENAVE BACT.

